



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Brett G. Kappel, Esq.
Vorya, Sater, Seymour and Pease LLP
1828 L Street, Northwest
Eleventh Floor
Washington, DC 20036-5109

OCT 16 2008

RE: MUR 5749
Sean McDonald

Dear Mr. Kappel:

On May 19, 2006, the Federal Election Commission notified your client, Sean McDonald, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On October 8, 2008, the Commission found, on the basis of the information in the complaint, information provided by your client, and the results of our investigation that there is no reason to believe Sean McDonald violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to Sean McDonald. The Factual and Legal Analysis, explaining the Commission's finding, is enclosed.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Cameron Thurber", written over a horizontal line.

J. Cameron Thurber
Attorney

Enclosure
Factual and Legal Analysis

29044235077

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Sean McDonald

MUR: 5749

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission ("Commission") by the Center for Responsibility and Ethics in Washington. See 2 U.S.C. § 437g(a)(1). For the reasons set forth below, the Commission finds no reason to believe that Sean McDonald violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Santorum 2006.

II. DISCUSSION

A. Facts

On July 7, 2004, Sean McDonald gave a \$2,000 contribution to GSP Consulting Corporation PAC ("GSP PAC") that was earmarked for Santorum 2006. See GSP PAC's 2004 October Quarterly Report. The 2004 October Quarterly Report for Santorum 2006 shows a \$2,000 contribution received from McDonald on August 4, 2004. The complaint alleges these reports show McDonald made two contributions, for a total of \$4,000, to Santorum 2006 for the primary election. The information shows that there was actually only one contribution of \$2,000 earmarked to Santorum 2006 that flowed through GSP PAC and that was reported by both GSP PAC and Santorum 2006, reflecting both ends of the same transaction.

B. Analysis

The contribution limit for the 2003-2004 election cycle was \$2,000 per election. 2 U.S.C. § 441a(a)(1)(A). Commission records confirm that McDonald made only one \$2,000

1 contribution to Santorum 2006 in 2004.¹ Therefore, there is no reason to believe that Sean
2 McDonald violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Santorum
3 2006.

¹ McDonald made the contribution on July 7, 2004, but it was not reported as received by Santorum 2006 until August 4, 2004. While GSP PAC was required to forward the earmarked contribution within ten days, the memorandum entry attached to the 2004 October Quarterly Report shows it was "forwarded in the form of original check on 7/12/2004." This indicates the delay in delivery of the contribution likely occurred in transit.